

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	)	
	)	CR 11-34
V.	)	CV 19-147
	)	
GREGORY GARRETT BROWN	)	

**MEMORANDUM ORDER**

In 2013, Defendant was sentenced after pleading guilty to one Count of mailing threatening communications in violation of 18 U.S.C. § 876(c). In 2017, he filed a Motion pursuant to 28 U.S.C. § 2255, which was denied by Order dated April 12, 2018. Presently, Defendant has filed another Motion to Vacate.

Therein, Defendant asserts entitlement to relief based on “the peace and friendship treaty of Morocco,” which Defendant characterizes as newly discovered evidence. The treaty is not “newly discovered evidence” within the meaning of applicable law, and does not otherwise afford grounds for relief. See, e.g., United States v. Stokes, No. 12-00566, 2013 U.S. Dist. LEXIS 76001, at \*7 (N.D. Ohio May 30, 2013); Void-El v. Cross, No. 10-7, 2010 U.S. Dist. LEXIS 65758, at \*8 (N.D.W. Va. June 30, 2010). Moreover, Section 2255 bars second or successive petitions, absent certification by the Court of Appeals or other circumstances not at issue here. 28 U.S.C. § 2255(h). Defendant has not obtained such certification.

A Section 2255 petition must be dismissed sua sponte, without obtaining a responsive pleading, “[i]f it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief.” 28 U.S.C. § 2255, Rule 4. Dismissal is appropriate in this case.

To the extent that I am required to address a certificate of appealability, none shall issue. Defendant has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

AND NOW, this 30th day of May, 2019, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose".

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Donetta W. Ambrose

Senior Judge, U.S. District Court